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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-225**

13 **JOHN MORGAN**
AKA IOANNIS GRIGOROPOULOS
14 **705 Yarmouth Ct.**
San Diego, CA 92109

ACCUSATION

15 **Registered Nurse License No. 727311**
Clinical Nurse Specialist No. 3733

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about June 2, 2008, the Board of Registered Nursing issued Registered Nurse
24 License Number 727311 to John Morgan, aka Ioannis Grigoropoulos ("Respondent"). The
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on November 30, 2013, unless renewed.

27 3. On or about January 5, 2012, the Board of Registered Nursing issued Clinical Nurse
28 Specialist License Number 3733 to Respondent, which will expire on November 30, 2013, unless

1 renewed.

2 JURISDICTION

3 4. This Accusation is brought before the Board of Registered Nursing ("Board"),
4 Department of Consumer Affairs, under the authority of the following laws. All section
5 references are to the Business and Professions Code unless otherwise indicated.

6 5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
7 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
8 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
9 Nursing Practice Act.

10 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
12 licensee or to render a decision imposing discipline on the license.

13 7. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
14 surrender and/or cancellation of a license shall not deprive the Board of jurisdiction to proceed
15 with a disciplinary action during the period within which the license may be renewed, restored,
16 reissued or reinstated.

17 DISCIPLINARY STATUTES AND REGULATIONS

18 8. Section 2761 of the Code states:

19 "The board may take disciplinary action against a certified or licensed nurse or deny an
20 application for a certificate or license for any of the following:

21 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

22 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
23 functions.

24 ..."

25 9. California Code of Regulations, title 16, section 1443, states:

26 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
27 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
28 exercised by a competent registered nurse as described in Section 1443.5."

10. California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

"(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

"(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

"(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

"(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 FACTUAL BACKGROUND

2 12. Respondent was employed as a Relief Staff Nurse at the San Mateo County Medical
3 Center, on the 3A/B Inpatient Psychiatric Unit, San Mateo, California.

4 13. On the evening of March 29, 2010, to the morning of March 30, 2012, Respondent
5 was assigned to Patient RO ("RO"), a 27 year-old male. RO had been admitted on March 27,
6 2010, with a history of assaultive behavior and thoughts of sexually harming others. On
7 admission, RO was ordered to be under constant observation.

8 14. Early on the shift, Respondent noted that RO was near the room of Patient AR
9 ("AR"), a 23 year-old female. Respondent told RO "he cannot be here." Between 3:00 a.m., to
10 4:00 a.m., Respondent was informed that RO was observed leaving AR's room and that AR was
11 seen pulling up her pants.

12 15. During the evening of March 29, 2010, through the morning of March 30, 2010,
13 RO was to be observed every 15 minutes with his location and activity/behavior being recorded
14 on a document entitled "Observation Checklist." Pursuant to the facility protocols, whenever
15 staff determined that a patient was at increased for harm to themselves or to others, the nurse was
16 authorized to place the patient on a higher level of observation.

17 16. At approximately 10:53 a.m., on March 30, 2010, AR reported to staff that she had
18 been raped earlier in the morning and identified RO as her assailant. A medical examination
19 confirmed that RO had sexual contact with AR.

20 CAUSE FOR DISCIPLINE

21 (Incompetence -- Failure to Increase the Level of Observation on RO)

22 17. Respondent is subject to disciplinary action for incompetence under Code section
23 2761, subdivision (a)(1), as defined in title 16 of the Code of Regulations, sections 1443 and
24 1443.5, in that after encountering RO near AR's room and after being informed that RO was
25 observed leaving AR's room and that she was seen pulling up her pants, he failed to increase the
26 level of observation on RO. The facts in support of this cause for discipline are set forth above in
27 paragraphs 12 through 16.

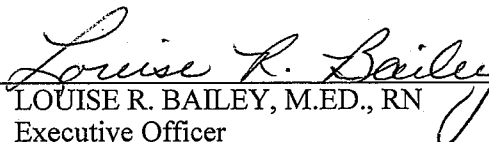
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 727311, issued to John Morgan, aka Ioannis Grigoropoulos;
2. Revoking or suspending Clinical Nurse Specialist License Number 3733, issued to John Morgan, aka Ioannis Grigoropoulos;
3. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
4. Taking such other and further action as deemed necessary and proper.

DATED: OCTOBER 01, 2012


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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